

Remarks

In the above referenced office action, the drawings were objected to because reference numeral 72 was utilized in the description but absent from the drawings and reference numeral “4” was duplicative with respect to Figure 12. A replacement drawing sheet is submitted herewith the remedy these errors. Specifically, in Fig. 8, reference numeral “72” has been added in two locations and reference numeral 70 has be moved to refer to the general structure. In Fig. 12, reference numeral “4” has been changed to “42.”

As presently amended, Claims 1-19 are currently pending. Claims 1-11 stand rejected under 35 USC 103(a) and claims 12-19 are newly added. No new matter has been added. Support for newly presented claim 12 may be found at page 7, lines 20-24. Support for newly added claim 13 is found in Figure 2 and at page 7, lines 9-15. Support for newly added claims 14 and 17 may be found at page 5, lines 23-26 and Figures 4 and 9. Support for newly added claims 15 and 16 may be found in Figure 2. Support for newly added claim 19 may be found at page 2, lines 12-13. Support for newly added claims 18 and 20 may be found in Figure 2 and page 7, lines 13-15. The passages and figures cited for support are merely exemplary and non-limiting.

Claims 1-11 were rejected under 35 USC 103(a) as being unpatentable over Jensen et al. (hereinafter “Jensen”). Applicant respectfully traverses.

The present claims are directed to a pre-filter that defines a gas path that has a plurality of channels and corresponding constrictive portions. The constrictive portions are fabricated so that a resulting gap permits gas flow, but hinders the movement of non-gaseous material (i.e., solids, semi-solids, liquids). These non-gaseous materials will flow into the channels adjacent the constrictive gaps. When a given channel is full, the non-gaseous materials may then be forced through the gap and into the next channel. As indicated in the specification, having a small gap relative to a large channel dimension produces this effect. Regardless of whether the channels/constrictions are perpendicular to, parallel with, or at some other angle relative to the gas pathway (from inlet to outlet) they are positioned relative to the inlet and outlet such that the material must go through at least one (and preferably multiple) constriction before reaching the outlet.

With respect to claim 1, the constrictions define a gap sized “so that gas flow through the gap is permitted more easily than non-gaseous material flow”, which is facilitated by the size of the gap being “significantly smaller than the largest width of the constriction.” Thus, it is not simply that one dimension is smaller than the other, but the gap dimension must also be small enough to produce the effect of hindering non-gaseous material flow. With respect to claim 13, the gas pathway is defined by the first and second surfaces to include constrictions such that “gas is able to flow through the gas path between the constrictive structure and the first surface and toward an outlet of the pre-filter more easily than liquids, solids, or semi-solid materials.” Finally, with claim 18, includes “a gap between the constrictive structure and the first surface functions as a filter to permit the flow of gas and hinder the flow of liquids, solids, or semi-solids towards an outlet of the pre-filter.”

Applicant respectfully asserts that Jensen fails to teach or suggest the claimed structure, alone or as modified by the Examiner (in the absence of any secondary teaching).

Specifically, Jensen fails to teach any pre-filter function or structure. Rather, the structure relied upon by the Examiner relates to a holder (30) used to hold the gas filter element 26. The holder 30 includes a first series of parallel ribs 32 and a second series of parallel ribs 33, with the first set and second set being perpendicular to and spaced apart from one another. The purpose of these ribs is to prevent the intermediate barrier wall 13 from contacting and occluding the filter 26. Specifically, “the filter holder at the gas discharge port of the front wall is provided with arcuate spacers to insure that the intermediate barrier wall cannot engage the filter element to block gas flow through that element.” Col 2, lines 23 – 27. A front chamber 22 is provided to collect material (by force of gravity) that happens to pass through opening 20 in the intermediate barrier wall 13.

Notably, the gaps between the ribs 32, 33 provide a direct and unobstructed passageway to the filter 26. Thus, there is no reasonable manner in which to interpret the rib structure of Jensen as permitting gas flow more easily than non-gaseous material nor that the gap size is selected for performing a filtering function, as presently claimed. Again, if liquid, solid or semi-solid material is present at the holder 30 (regardless of pressure, volume, orientation, etc.), the openings between the ribs provide an unobstructed (and hence, unfiltered) passageway to the gas filter 26.

By spacing the intermediate wall away from the front wall, the ribs serve to maintain the front chamber in an open position, such that fluids, etc. may be collected in this chamber (Col. 5, lines 1-27). Essentially, such spacing permits gravity to affect fluid flow; however, there is no restrictive, constrictive, or filtering effect provided by the ribs – merely a spacing function between adjacent walls of the bag. Furthermore, modifying the rib structure to serve as a physical (pre) filter (by making the gaps between the ribs very small) would be contrary to the teachings of the reference and the Examiner has not provided any legally sufficient teaching, suggestion, or motivation to make such a modification. Specifically, the ribs are designed to prevent obstruction of the pathway to the filter 26. Such minimal grid spacing (if modified) would necessarily clog if any non-gaseous material were to enter the resulting grid, thereby rendering the device inoperable for its intended function by obstructing the pathway; hence, defeating the very purpose Jensen provided the ribs for in the first place. Finally, even if Jensen were modified, the resulting structure does not teach the presently pending claims.

Applicant respectfully asserts the Jensen fails to teach or suggest the present claims (alone or as purportedly modified by the Examiner); thus, the rejection is unsupportable and must be withdrawn. Applicant further asserts that the pending claims are in condition for allowance and notice of the same is respectfully requested. Should any issues remain outstanding, the Examiner is respectfully urged to telephone the undersigned to expedite prosecution.

Applicant respectfully asserts that no fees are due at this time. Please apply any charges or credits to deposit account no. 50-4439.

Respectfully submitted,
Poulsen et al.

Date: _____ 1/22/09 _____

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